

REMARKS

Claims 1-11 remain in the present application with claim 1 in independent form. No claims are presently amended, cancelled, or added through the present Response.

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, obvious over references to Mikami et al. (U.S. Patent Nos. 5,723,643 and 5,914,418). The Applicants respectfully traverse these rejections.

To provide a brief explanation of the claim scope of independent claim 1, independent claim 1 claims a method for distillation of specific organosilicon compounds. The method includes the step of subjecting an organosilicon compound (A) to distillation in the presence of **two components**: a polymerization inhibitor (B) and **compound (C) with aliphatic conjugated unsaturated bonds**.

As the Examiner is well aware, to properly anticipate a claim under 35 U.S.C. §102, a reference must disclose or teach each and every element of that claim. See MPEP 2131. Likewise, as the Examiner is also well aware, to establish a *prima facie* case of obviousness of a claim under 35 U.S.C. §103, three basic criteria must be met. The third of the three criteria for establishing a *prima facie* case of obviousness of a claim is the requirement that a prior art reference (or references when combined) must teach or suggest all of the claim limitations. See MPEP 2142.

In the present case, the Examiner has failed to establish anticipation of independent claim 1 under 35 U.S.C. §102, and has further failed to establish obviousness of independent claim 1 under 35 U.S.C. §103, because neither of the references to Mikami et al. disclose or teach each and every element of claim 1, and there is nothing within the references to Mikami et

al. that provides a basis for modifying those references to account for the deficiencies therein as those deficiencies relate to independent claim 1. More specifically, **neither reference to Mikami et al. discloses or teaches distillation of organosilicon compounds in the presence of compound (C), and further does not disclose such a step in combination with the other elements of independent claim 1.** Notably, both of the references to Mikami et al. were cited by the Applicants to the USPTO through an Information Disclosure Statement (IDS), and the Applicants were previously aware of the disclosure and teachings of the references to Mikami et al.

The International Patent Examining Authority (IPEA) expressly recognized the significance of distillation in the presence of compound (C) in the context of independent claim 1 when the IPEA issued a Written Opinion with an ISA for the parent PCT application to which the instant application claims priority. More specifically, the ISA contains references that teach distillation of organosilicon compounds in the presence of polymerization inhibitors similar to those claimed as (B) in independent claim 1 of the present application. However, like the references to Mikami et al., none of the references cited in the ISA disclose or teach distillation of organosilicon compounds in the presence of compound (C). The IPEA recognized this fact and indicated that the instant claims are both novel and provide an inventive step in view of the prior art relied upon in the Written Opinion of the IPEA.

In view of the foregoing, the Applicants respectfully submit that neither reference to Mikami et al. discloses or teaches distillation of organosilicon compounds in the presence of component (C), and further fails to teach this step in addition to teaching the other elements of independent claim 1. Therefore, the Applicants respectfully submit that independent claim 1 is

both novel and nonobvious over the references to Mikami et al. such that independent claim 1, as well as the claims that depend therefore, are in condition for allowance.

This Response is filed time thus it is believed that no fees are presently due. However, the Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2789 in the name of Howard & Howard.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

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Date

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